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GOOGLE INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ORACLE AMERICA, INC.,

Case No. 3:10-cv-03561 WHA

Plaintiffs,

**DECLARATION OF RENNY HWANG IN
SUPPORT OF ADMINISTRATIVE
MOTION TO SEAL [ECF NO. 1601]**

V.

GOOGLE INC..

Dept. Courtroom 8, 19th Fl.
Judge: Hon. William Alsup

Defendant.

Dept. Courtroom 8, 19th Fl.
Judge: Hon. William Alsup

1 I, RENNY HWANG, declare as follows:

2 1. I am an attorney employed by Google Inc. (“Google”), where I have served as
3 senior litigation counsel for the last six years. My job responsibilities include, but are not limited
4 to, supervising our outside counsel in connection with litigation matters (such as this one), as well
5 as familiarizing myself with the areas of Google’s businesses and documentation concerning
6 those businesses as they related to litigation matters under my supervision. I submit this
7 declaration in support of the Administrative Motion to File Under Seal Dr. James R. Kearl, Rule
8 706 Expert, Response to Motions in Limine and Daubert Challenges (ECF No. 1601).

9 2. I have reviewed Dr. Kearl’s Response to Motions in Limine and Daubert
10 Challenges.

11 A. The following portions of Dr. Kearl’s Response to Motions in Limine and
12 Daubert contain Google’s extremely confidential and commercially sensitive Android-related
13 financial information:

14 • Page 4, footnote 9: dollar amount which reflects revenue and financial
15 information which is not public.

16 • Page 11, footnote 24: dollar amount which reflects revenue and financial
17 information which is not public.

18 • Page 13, footnote 29: dollar amount which reflects revenue and financial
19 information which is not public.

20 • Page 14, footnote 30: dollar amounts which reflect revenue and financial
21 information which is not public.

22 Google does not publicly allocate revenue or profits to Android separate and apart from
23 Google’s general business. Accordingly, Google considers the non-public financial data
24 identified above to be highly sensitive, and public disclosure of that information could have
25 significant negative effects on Google’s business. Google only seeks to seal the specific numbers
26 contained in the above listed passages.

B. In addition, the following portions of Dr. Kearl's Response to Motions in Limine and Daubert contain sensitive information related to the confidential terms of Google's agreement with third parties.

- Page 14, footnote 31: percentage which reflects revenue and third-party agreement terms which are not public.
- Page 17, footnote 36: percentage which reflects revenue and third-party agreement terms which are not public.

The information relating to third-party agreements that is quoted, discussed, and/or summarized in the passages above is subject to stringent confidentiality requirements contained within the relevant agreement. Indeed, Google places strict limits on who has access to the terms of these agreements to ensure confidentiality is retained. Also, Google does not disclose this information to the public. Public disclosure of this information could severely and adversely impact Google's ability to negotiate, among other things, similar terms with other third parties in connection with similar agreements now or in the future. Google only seeks to seal the specific percentages in the above listed portions.

3. The requested portions of Dr. Kearl's Response to Motions in Limine and Daubert should therefore be filed under seal.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct to the best of my knowledge.

Executed this 12th day of April, 2016 at Sunnyvale, California.

By:

RENNY HWANG